

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 271

HOUSE BILL 2550

AN ACT

AMENDING SECTION 13-107, ARIZONA REVISED STATUTES; RELATING TO TIME,
LIMITATIONS FOR PROSECUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-107, Arizona Revised Statutes, is amended to
3 read:

4 13-107. Time limitations

5 A. A prosecution for any homicide, ANY OFFENSE LISTED IN TITLE 13,
6 CHAPTER 14 OR CHAPTER 35.1 THAT IS A CLASS 2 FELONY, ANY VIOLENT SEXUAL
7 ASSAULT PURSUANT TO SECTION 13-1423, misuse of public monies or a felony
8 involving falsification of public records OR ANY ATTEMPT TO COMMIT AN OFFENSE
9 LISTED IN THIS SUBSECTION may be commenced at any time.

10 B. Except as otherwise provided in this section, prosecutions for
11 other offenses must be commenced within the following periods after actual
12 discovery by the state or the political subdivision having jurisdiction of
13 the offense or discovery by the state or such THE political subdivision which
14 THAT should have occurred with the exercise of reasonable diligence,
15 whichever first occurs:

16 1. For a class 2 through a class 6 felony, seven years.

17 2. For a misdemeanor, one year.

18 3. For a petty offense, six months.

19 C. For the purposes of subsection B OF THIS SECTION, a prosecution is
20 commenced when an indictment, information or complaint is filed.

21 D. The period of limitation does not run during any time when the
22 accused is absent from the state or has no reasonably ascertainable place of
23 abode within the state.

24 E. The period of limitation does not run for a serious offense as
25 defined in section 13-604 during any time when the identity of the person who
26 commits the offense or offenses is unknown.

27 F. The time limitation within which a prosecution of a class 6 felony
28 shall commence shall be determined pursuant to subsection B, paragraph 1 OF
29 THIS SECTION, irrespective of whether a court enters a judgment of conviction
30 for or a prosecuting attorney designates such offense as a misdemeanor.

31 G. If a complaint, indictment or information filed before the period
32 of limitation has expired is dismissed for any reason, a new prosecution may
33 be commenced within six months after the dismissal becomes final even if the
34 period of limitation has expired at the time of the dismissal or will expire
35 within six months of such THE dismissal.

APPROVED BY THE GOVERNOR APRIL 30, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2001.

Passed the House March 15, 2001,

by the following vote: 50 Ayes,

3 Nays, 7 Not Voting

Jake Flake
Speaker of the House
Pro Tempore

Norman L. Moore
Chief Clerk of the House

Passed the Senate April 9, 2001,

by the following vote: 30 Ayes,

6 Nays, 6 Not Voting

Robert S. Smith
President of the Senate

Channing B. Bingham
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

H.B. 2550

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this day of , 20 ,

at o'clock M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 24, 2001,

by the following vote: 40 Ayes,

12 Nays, 8 Not Voting

[Signature]
Speaker of the House
[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

25 day of April, 2001,

at 8:05 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 30 day of

April, 2001,

at 10:28 o'clock 6 M.

[Signature]
Governor of Arizona

H.B. 2550

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30 day of April, 2001,

at 4:50 o'clock P M.

[Signature]
Secretary of State